

FEB 05 2024

David W. Slayton, Executive Officer/Clerk of Court
By: C. Grijalva, Deputy

Vanessa Valdes
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Los Angeles, CA 90028
Vvaldes8@yahoo.com

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STANLEY MOSK COURTHOUSE

DR. STEWART LUCAS MURREY

Plaintiff,

vs.

KELLY GIBBONS, an individual; ET AL.

Defendant

Case No.: 23STCV14890

**DEFENDANT VANESSA VALDES'S ANTI-SLAPP
MOTION TO STRIKE THE COMPLAINT
[CCP §426.15]**

DATE: FEBRUARY 5, 2024

TIME:

DEPT: 61

**RESERVATION DATE: 04/08/2024
RESERVATION TIME: 10:00AM
RESERVATION ID#: 914570270504**

INTRODUCTION

In yet another frivolous and harassing lawsuit filed by plaintiff Stewart L. Murrey ("Plaintiff" or "Murrey") against defendant Vanessa Valdes ("Defendant" or "Valdes"), Ms. Valdes, along with more than 50 other women, is alleged to have made defamatory statements online that have caused Plaintiff monetary and emotional distress that somehow amount to over two million dollars in damages. However, Defendant's statements are considered protected speech pursuant to California's Anti-SLAPP statute codified at California Code of Civil Proc. § 425.16 and are considered privileged communications pursuant to California Civil Code § 47(b).

These protected statements are the basis for the eleven (11) causes of action against Valdes (and others) in the instant action, particularly the First and Second Causes of Action for Defamation- Libel and Libel per se, respectively. Accordingly, the Complaint as to Ms. Valdes, and particularly the First and Second Causes of Action against her, must be stricken.

Despite the fact that this lawsuit is completely frivolous and a bullying attempt by Plaintiff against Defendant Vanessa Valdes - a woman with whom he has never met - it is an illegal attempt to restrain and punish Valdes's valid exercise of her constitutional right to freedom of speech, especially with the intent of public safety.

Furthermore, California's Anti-SLAPP law protects even the most extreme derogatory internet posts- posts that prove Defendant's innocent comments to be menial in comparison.

DEFENDANT VANESSA VALDES'S ANTI-SLAPP MOTION TO STRIKE - 1

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1 Since Anti-SLAPP may be used in private disputes, and the internet is a public forum, any
2 alleged comments made by Valdes were in the domain of her rights. Therefore, the court must
3 find that the statements alleged by Valdes are non-actionable statements. As the burden placed
4 on Plaintiff will not be met, the court must rule to strike the complaint under the Anti-SLAPP
5 statute.

6 **STATEMENT OF FACTS**

7 In December 2019, the Plaintiff sent the Defendant, Valdes Valdes, a match request on
8 the dating site, Hinge, in the form of a comment on one of the Defendant's profile photos.
9 Defendant accepted the request and continued with one friendly response. Plaintiff then began
10 harassing Defendant, calling her derogatory names and spouting baseless criticisms. Valdes
11 informed Plaintiff that she would report him for his aggressive and unwarranted behavior, to
12 which Plaintiff responded with a threat to sue Defendant for defamation if she did so- a clear
13 attempt to intimidate her into silence, and the first indication of his litigious nature. Please see
14 true copies of this conversation as Exhibit A to Declaration of Vanessa Valdes. Nowhere in this
15 conversation did Valdes say anything that was defamatory. In fact, it was the Plaintiff who
16 pursued the Defendant and initiated contact with a clear intent to berate her for having a photo
17 with a male friend on her personal profile. Defendant reported Plaintiff to Hinge support, noting
18 her fear for other women's safety in Plaintiff's presence, and blocked him from all future
19 contact. Please see true copies of this report as Exhibit B to declaration of Vanessa Valdes.

20 In August, 2022, Valdes saw a post in the Facebook group, Are We Dating the Same Guy
21 Los Angeles, from a member requesting information on the Plaintiff. Valdes felt it was her duty
22 as a concerned citizen to share her truthful experience with the interested group members. She
23 posted her experience and her personal feelings about the nature of Plaintiff's dating behavior.
24 Nowhere in her post did she make any defamatory remarks. Further, nowhere did Valdes make
25 any of the statements alleged by Plaintiff anywhere in his Complaint. Please see true copies of
26 the post by Defendant as Exhibit C to Declaration of Valdes Valdes.

27 On December 12, 2023, Defendant received service of a summons to her home after
28 10pm. Afraid for her safety after realizing Plaintiff, a complete stranger from the internet, has
gained knowledge of her home address, Valdes accepted the inappropriate service to prevent
Plaintiff coming near her home again. Defendant was also informed that her name, along with
the names of other members of the Facebook group, have been posted by Plaintiff on the public
forum, Sickoscoop via researchgate.net, in an article written by Plaintiff that ties Valdes and
others to false and frightening global conspiracy theories.

29 **I. Allegations in the Complaint**

30 The eleven causes of action in the complaint are based upon allegations that Valdes and
31 others made intentionally damaging comments discussing Murrey's public records of past
32 lawsuits and arrests, as well as his history of bad online dating behavior, in an online Facebook
33 group called, "Are We Dating the Same Guy Los Angeles".

1 Nowhere does the Complaint specify any particular false statement made by Valdes, but
2 generally refers to "defendants" making "defamatory statements" including his "involvement in a
3 murder case of his ex wife", how he has "several domestic violence charges filed against him",
4 he "has filed court cases against women trying to extort them", that he "has STDs", "has an ex
5 wife who was killed", that he "deserves to be arrested", how he "claims to be an attorney" and so
6 on. Complaint at p. 3, ¶13, 14, 15, 16, 17.

7 **II. Legal Argument**

8 **A. California's Anti-SLAPP Statute Protects First Amendment Rights By Providing a 9 Procedure for Quickly Dismissing Lawsuits Which Chill Those Rights**

10 Nearly 20 years ago, the California Legislature enacted Section 425.16 of the Code of
11 Civil Procedure to provide for the early dismissal of meritless suits aimed at chilling the valid
12 exercise of the constitutional rights of freedom of speech and petition for the redress of
13 grievances. See, Cal. Code Civ. Proc. § 425.16(a); Braun v. Chronicle Publishing Co., 52 Cal.
14 App. 4th 1036, 1042, 61 Cal. Rptr. 2d 58 (1997); Globetrotter Software, Inc. v. Elan Computer
15 Group, Inc., 63 F. Supp. 2d 1127, 1128 (N.D. Cal. 1999). These meritless suits often are referred
16 to as "Strategic Lawsuits Against Public Participation" or "SLAPP" suits, with the result that
17 Section 425.16 has come to be called the "Anti-SLAPP statute." See Baun at 1040 &n. 1; see
18 also Batzel v. Smith, 333 F.3d 1018, 1023-24 (9th Cir. 2003) ("California law provides for pre-
19 trial dismissal of 'SLAPPs' ... [which are] lawsuits that 'masquerade as ordinary lawsuits' but are
20 brought to deter common citizens from exercising their political or legal rights or to punish them
21 from doing so.").

22 The statute provides that:

23 A cause of action against a person arising from any act of that person
24 in furtherance of the person's right of petition or free speech under
25 the United States or California Constitution in connection with a
26 public issue shall be subject to a special motion to strike, unless the
27 court determines that the plaintiff has established that there is a
28 probability that the plaintiff will prevail on the claim.

Cal. Code Civ. Proc. § 425.16(b)(1). The California Legislature explicitly directed that this
statute "shall be construed broadly." Cal. Code Civ. Proc. § 425.16(a).

Courts evaluate Anti-SLAPP motions using a two-step process. The first step is to
determine whether the defendant has made a threshold showing that the challenged cause of
action is one arising from protected activity. Only if such a showing is made should the court
proceed on to the second step, which is to determine whether the plaintiff has demonstrated a
probability of prevailing on the claim. Commonwealth Energy Corp. v. Investor Data
Exchange, Inc., 110 Cal. App 4th 26, 31 (2002) (citations omitted).

1 **1. The conduct attributed to Valdes is based solely on clearly protected speech.**

2 Protected activities include "any act in furtherance of a person's right of petition or free
3 speech under the United States or California Constitution in connection with a public issue."
4 Cal. Code Civ. Proc. § 425.16(e). Specifically included in these activities is "any conduct in
5 furtherance of the exercise of the constitutional right or petition or the constitutional right of free
6 speech in connection with a public issue or an issue of public interest." Cal. Code Civ. Proc. §
7 425.16(e).

8 In showing that a cause of action "arises from" protected activity, the moving party need
9 not prove that a plaintiff's intent in bringing a non-meritorious claim was to chill the exercise of
10 protected rights - in fact, the specific intent of a plaintiff is irrelevant. *Fox Searchlight Pictures v.*
11 *Paladino*, 89 Cal. App. 4th 294, 305 (2001); *Tuchscher Dev. Enters., Inc. v. San Diego Unified*
12 *Port Dist.*, 106 Cal. App. 4th 1219, 1232 (2003). The only consideration is whether the
13 defendant's speech would actually be chilled as a result of the lawsuit.

14 **2. Once a defendant shows that it engaged in a protected activity, the burden shifts to the**
15 **plaintiff to establish a probability that it will prevail on its causes of action.**

16 Once the defendant makes a threshold showing that a plaintiff's action is one arising from
17 statutorily protected activity, the burden then shifts to the plaintiff to establish the probability
18 that it will prevail on the merits of each of its causes of action without relying upon the protected
19 activity. Cal. Code Civ. Proc. § 425.16(b). In this step, a motion to strike "operates like a
20 demurrer or motion for summary judgment in 'reverse.' ... [T]he motion requires the plaintiff to
21 demonstrate that he possesses a legally sufficient claim which is 'substantiated,' that is, supported
22 by competent, admissible evidence." *USANA Health Sciences, Inc. v. Minkow*, 2008 WL
23 619287 at *5 (D. Utah March 4, 2008); citing, *Coll. Hosp. Inc. v. Superior Court*, 8 Cal. 4th 704,
24 34 Cal. Rptr. 2d 898 (1994)).

25 **III. PLAINTIFF'S RETALIATORY COMPLAINT IS AN ATTEMPT TO CHILL**
26 **VALDES'S VALID EXERCISE OF HER CONSTITUTIONAL FREEDOM OF SPEECH**
27 **AND SO HIS COMPLAINT MUST BE STRICKEN**

28 The single, overriding purpose of Plaintiff's complaint is to retaliate against Valdes and
29 cause her stress and harm for no reason other than abuse and harassment. Furthermore, whatever
30 speech Valdes made in the online forum does not qualify as defamatory. Most importantly, her
31 comments online are protected speech.

32 This kind of lawsuit targeting another's First Amendment rights has been specifically
33 denounced by the California Legislature, which enacted the Anti-SLAPP statute—Code of Civil
34 Procedure section 425.16 — to counter the "disturbing increase in lawsuits brought primarily to
35 chill the valid exercise of the constitutional right of freedom of speech." C.C.P. section 425.16.
36 The Legislature there "declared that it is in the public interest to encourage continued
37 participation in matters of public significance and that this participation should not be chilled
38 through the abuse of the judicial process." *Id.*

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1
2 In addition, anti-SLAPP motions can be used in online forums. *Hecimovich v. Encinal*
3 *Sch. Parent Teacher Org.*, 203 Cal.App.4th 450 (2012). Second, social-media speech is no
4 different from "traditional" speech. See *Piping Rock Partners, Inc. v. David Lerner Assocs., Inc.*,
5 No. C 12-04634 SI (N.D. Cal. May 17, 2013). Third, the Internet is a public form, i.e., a "public
6 bulletin board." *Wilbanks v. Wolk*, 121 Cal.App.4th 883 (2004). The Court of Appeal noted
7 "[t]he internet is a classic public forum which permits an exchange of views in public about
8 everything from the great issues of war, peace, and economic development to the relative quality
9 of the chicken pot pies served at competing family restaurants in a single small neighborhood."
10 In *Chaker*, the court held that even if the comments are derogatory, the court still has a precedent
11 for protecting derogatory internet posts. See *Chaker*.

12
13 There, the defendant posted online comments against Plaintiff that he was "criminal and
14 deadbeat dad". Nevertheless, the court had "little difficulty concluding Wendy's statements were
15 made in a public forum", within public interest, and within her rights. The Court further went on
16 to find that the statements made were non-actionable opinions, in large part because the
17 statements were made in Internet forums designed for just these types of opinions. Because
18 *Chaker* did not meet the burden to show he would prevail on his defamation claim, the court
19 ruled to strike his complaint under the Anti-SLAPP statute.

20
21 The Statements alleged by Plaintiff in his complaint were either fabricated by persons
22 other than Valdes, or the ones admittedly made by Valdes are not defamatory at all, and are
23 fully within her rights of freedom of speech in online forums.

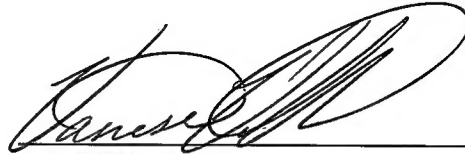
24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000IV. DEFENDANT'S POSTS ARE PROTECTED SPEECH

The California Legislature defined the activities protected by section 425.16 as including
"any written or oral statement or writing made in a place open to the public or a public forum in
connection with an issue of public interest," and "any other conduct in furtherance of the
exercise of the constitutional right of free speech in connection with a public issue or an issue of
public interest." C.C.P. section 425.16(e). Issues relating to individuals dating and harassment
habits is a public issue that is freely discussed online in such social media sites as Facebook.
Since Valdes was led to such online groups as "Are We Dating the Same Guy Los Angeles" after
experiencing the Plaintiff's derogatory statements and aggressive behavior, she had every right to
express her rights, and inform the interested public of her frightening experience.

V. CONCLUSION

Based on the foregoing, defendant Valdes respectfully requests that the Complaint be
dismissed in its entirety as to defendant Valdes pursuant to California's Anti-SLAPP statute and
costs and reasonable court fees be awarded.

Dated this FEBRUARY 5, 2024.



VANESSA VALDES

02/05/2024



Lucas

EXHIBIT A



Chat



Let's hang 3109941711

Yesterday, 21:11

Bold move :)

I'm amused by how you'll
mess it up

Wait you already did

02/05/2024

Send a message

Send



Lucas

Chat

Wait you already did



Why is there a guy in your
pic genius?

I'm amused by how you think you
know me well enough to talk to me
like one of your buddies.

Read my caption, genius.

Sent

Nobody reads
captions moron



But it's fun watching you
burn lol



Listen I wish you well in your
search good luck

Send a message

Send



Lucas

EXHIBIT A



Chat

Nobody reads
captions moron



But it's fun watching you
burn lol



Listen I wish you well in your
search good luck



Can you ever forgive me for
not reading your online dating
explanations of guys in your
pic dear?



I know my credentials are
hardly worthy of you much
less my looks but can you
please have your pet get it's
hair all over my nice cloths?

02/05/2024

Send a message

Send



Lucas

EXHIBIT A



Chat



less my looks but can you
please have your pet get it's
hair all over my nice cloths?

Today, 00:29

Listen, Lucas Murrey. You're
fucking with the wrong woman. I'm
reporting your ass. Stay away
from women and get help.

Sent

Send a message

Send

Q W E R T Y U I O P

A S D F G H J K L



Z

X

C

V

B

N

M



123



space

return

02/05/2024



LUCAS



Chat

reporting your ass. Stay away
from women and get help.

Sent



Good Vanessa Loser I'm
subpoenaing you're idiot
"report" and possibly suing
you for defamation

Does it upset you that I've
broken no laws just like it's
legal for you to a moron?

By the way, real decent
women love me lol



Sorry it's not your night

And yes I will read anything
you or anyone else dumb
enough to frivolously "report"

Send a message

Send

02/05/2024



LUCAS

**Chat**

~~By the way, real decent~~
women love me lol



Sorry it's not your night

And yes I will read anything
you or anyone else dumb
enough to frivolously "report"
me say(s)

Try it

Like I said, amusing

"Stay away from women"? I'm
sorry your so jealous when
rejected

And the screenshots/data of
you are enough to identify
you via said subpoena



Send a message

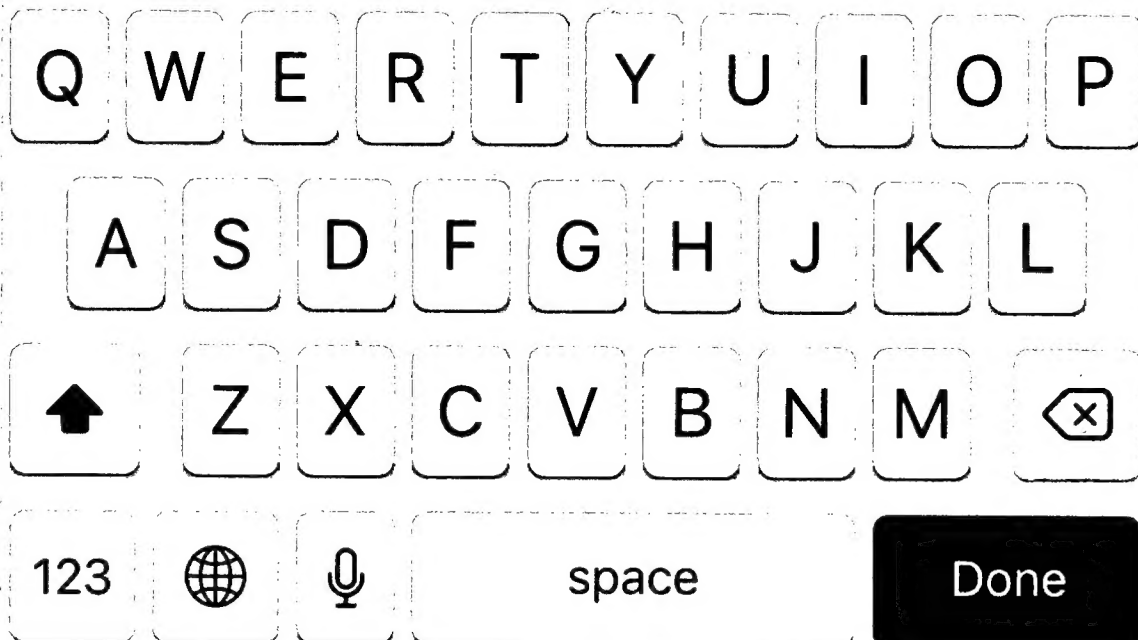
Send

02/05/2024

Please provide additional details

Lucas sent me some very strange, very aggressive messages out of nowhere. He called me names and said he liked "watching me burn". I feel threatened and afraid for any woman who agrees to meet with him in person. |

Submit



00:48

5G% 

AA

 icloud.com

15:43

    Are We Dating The Same Guy? | Los Angeles ...Kel Culb Gib · Aug 3, 2022 · 

... next to me and my client at the bar exclaiming--
"I've been looking for you all over town! You're
a hard girl to pin down!" I was flabbergasted
and freaking out because who tf does that?!

To show up uninvited at a place I didn't tell you
about? Luckily a British guy a few seats over
heard everything and pretended like he knew
me and my client, apologized for having a call
that ran long, and said why don't w... See more

10w Wow Reply

10  

Liv Burger

Elly Shariat omg that's terrible!

10w Like Reply

1 

View 7 replies...



Write a reply...



Carisa Ducommun lezza

Aka Dr. Stewart Lucas Murrey

10w Like Reply

1 

Vanessa Valdes

HOW HAS THIS GUY NOT BEEN REMOVED
FROM DATING APPS AND ARRESTED
ALREADY?!?!

I matched with him a couple years ago and
received the most BIZARRE and threatening
messages from him! It was so weird and scary

Rules



Write a comment...



Home



Watch



Marketplace



Profile



Notifications



Menu

02/05/2024



00:49

5G%



AA

icloud.com



15:43

5G%

<  Are We Dating The Same Guy? | Los Angeles ...
Kel Culb Gib · Aug 3, 2022 · 

View previous replies...

The comment Vanessa is replying to has been deleted.



Vanessa Valdes

12:15
December 23, 2019
Sat
LUCAS

Dear
What you already did
Why is there a guy in your
pic gonna?
It's amusing by how you think you
know me well enough to talk to me
the wife of your husband
About my negative gonna

Heedily needs
captions emotion
But it's fun watching you
burn lol
Listen I wish you well in your
search good luck

5w Like Reply



Vanessa Valdes

12:16
December 23, 2019
Sat
LUCAS

Dear

Let's hang
Heedily needs
captions emotion
But it's fun watching you
burn lol
Listen I wish you well in your
search good luck

5w Like Reply



Vanessa Valdes

Rules



Write a comment...



Home



Watch



Marketplace



Profile



Notifications



Menu



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